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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9                   UNITED STATES OF AMERICA,

10                  Plaintiff,

11                  v.

12                  MURUGANANANDAM ARUMUGAM,

13                  Defendant.

14                   Case No. CR19-041-RSL

15                   ORDER CONTINUING  
16                   TRIAL DATE

17         This matter comes before the Court on the government’s “Motion for an Order  
18 Addressing the Continuance of the Trial.” (Dkt. # 171). Defendant opposes the government’s  
19 motion on speedy trial grounds. Dkt. # 172. Having considered the parties’ submissions and the  
remainder of the record, the Court finds as follows:

20         1. On April 5, 2019, the Court granted defendant’s unopposed motion to continue his  
21 original trial date of May 6, 2019 to November 12, 2019 to allow defense counsel reasonable  
22 time necessary for effective preparation. Dkt. # 28.

23         2. On October 4, 2019, the Court granted the parties’ joint motion to continue the  
24 trial date until March 16, 2020 due to the nature of the pending motions and need for additional  
25 time for trial preparation. Dkt. # 52.

26         3. From March 13, 2020 to April 5, 2021, the Court, three times acting *sua sponte*  
27 and four times over defendant’s objection on speedy trial grounds, struck the trial date once and  
28 continued the trial date seven times, ultimately to July 19, 2021, due to the COVID-19 pandemic

1 and corresponding Western District of Washington General Order Nos. 01-20, 02-20, 03-20, 07-  
2 20, 08-20, 11-20, 13-20, 15-20, 18-20, 04-21. Beginning in its Order issued on September 9,  
3 2020, the Court also noted that defendant was incarcerated in King County Jail pending trial in  
4 King County Superior Court. Dkts. # 120, 121, 126, 143, 144, 147, 159, 165.

5 4. From July 12, 2021 to October 28, 2021, the Court, once over defendant's  
6 objection on speedy trial grounds, continued the trial date twice, ultimately to February 28,  
7 2022, on the grounds that defendant's detention in King County Jail pending trial in King  
8 County Superior Court rendered him unavailable to appear for trial in the above-captioned  
9 matter. Dkts. # 167, 170.

10 5. Defendant's trial is currently scheduled for February 28, 2022. The government  
11 requests a continuance to September 12, 2022. Dkt. # 171.

12 6. The Court adopts the facts set forth in the government's motion: in particular, that  
13 as of January 26, 2022, defendant's three state sex offenses are set to be separately tried in three  
14 trials beginning on March 8, 2022 in King County Superior Court, and defendant remains  
15 detained in King County Jail. *Id.*; see also King Cty. Dep't of Adult & Juvenile Det., Jail  
16 Inmate Lookup Service, <https://dajd-jms.powerappspartals.us/public/subject-lookup/> (last  
17 visited Feb. 4, 2022). The Court therefore finds that proceeding with an earlier trial in the  
18 above-captioned matter would likely be impossible or would result in a miscarriage of justice, as  
19 set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

20 7. Due to defendant's pending King County Superior Court trials, the Court  
21 specifically finds that the ends of justice served by continuing the trial in this case outweigh the  
22 best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(7)(A).

23 8. The Court also finds that defendant's incarceration in another jurisdiction pending  
24 state trials renders him unavailable to appear for trial in the above-captioned matter on the  
25 February 28, 2022 trial date previously scheduled. Pursuant to 18 U.S.C. § 3161(h)(1)(B), the  
26 delay resulting from defendant's trials in King County Superior Court constitutes a period of  
27 delay that the Court will exclude for speedy trial purposes.

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1       9. The Court, however, notes that the government's proposed trial date of September  
2 12, 2022 accounts for the completion of defendant's three state trials, sentencing proceedings  
3 that may follow, and defendant's return to federal custody. In the event that defendant is  
4 acquitted in his state trials, state sentencing proceedings will not occur. If defendant is returned  
5 to federal custody earlier than the government projects, the Court will consider rescheduling  
6 defendant's trial in the above-captioned matter to an earlier date.

7 IT IS HEREBY ORDERED that the trial date shall be continued from February 28,  
8 2022 to September 12, 2022, and pretrial motions are to be filed no later than July 29, 2022;

9 IT IS FURTHER ORDERED that the period of time from the date of this Order, up to  
10 and including the new trial date, shall be excludable time pursuant to the Speedy Trial Act, 18  
11 U.S.C. § 3161, *et seq.*

12 IT IS FURTHER ORDERED that the Court will conduct a status conference regarding  
13 the trial date after defendant's King County Superior Court trials have concluded. Within seven  
14 days of the conclusion of the King County Superior Court's trials, the parties are directed to  
15 notify the Court.

DATED this 4<sup>th</sup> day of February, 2022.

*Robert S. Lasnik*  
Robert S. Lasnik  
United States District Judge